LOCAL OPTION AT CHANGANACHERRY.

MR. P. GOMATINAYAKAM PILLAI (*Ag. Excise Commissioner*): I take permission from the President to announce to the House that it has been decided by Government to try local option within the Municipal area of Changanachery. For the time being, it is to be confined to the vend of arrack alone. The arrack shops have not been sold now. The President of the Municipality will be requested to know the sense of population through the voters of the Municipality and if 75 per cent of the voters will announce their desire to close the shops within the municipal area the shops will be closed and they will not be reopened.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Suppose the majority of the people desire to close the shops why should the Government stipulate 75 per cent?

MR. P. GOMATINAYAKAM PILLAI (*Ag. Excise Commissioner*): I have now given an idea of the proposals on hand.

DEMANDS FOR GRANTS.—(*contd.*)

FORESTS. (*contd.*)

MR. A. THANU PILLAI (*Trivandrum*): Sir, I request that I may be permitted to say a few words on the point of order raised last evening.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is open of course to Mr. Thanu Pillai or anybody else to do that. But I may bring to the notice of the House that Mr. Muruvelil Pachu Pillai wants only to abolish the establishment of the Forest Settlement Officer. He has stated that he does not want the question of any principle to be discussed.

MR. A. THANU PILLAI (*Trivandrum*): I wish to bring to the notice of the House that it has been the practice to discuss such motions and not only to discuss them but also to vote upon them. The ruling that was referred to yesterday is in Vol. III of the Council Proceedings and that ruling is by no means against discussion or voting. This is how it reads:—

> "I have explained the matter. It is a very difficult point and it is a matter of very great importance. I am aware of the fact that, in the Madras Legislative Council, such motions are allowed and perhaps voted upon. Here also it is true that we discussed such motions, but I think last year some of these motions were in fact definitely accepted, while there was no discussion on those not accepted by Government. It must be essentially left to the Government to decide, after being influenced by the discussion, whether to accept such motion which involves the abolition of a non-votable appointment or not."

So, it is clear from this ruling that non-votable items which involve the abolition of establishments could be discussed. Again it reads:—

> "But if the motion is to be pressed to a division and if the House votes and carries the motion it can only mean that the Government will take into consideration either the abolition or reduction as the case may be and give effect to it if it thinks fit."

As for this ruling, there is absolutely nothing in it so far as I can see, against either the discussion of the motion or reference to non-votable appointments or against voting upon it.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member be pleased to quote any ruling from the proceedings of this House to say that the discussion of such motions is in order?

MR. A. THANU PILLAI (*Trivandrum*): The practice of this House has been to discuss such motions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sikar Vakil*): May I take it then that there is no express ruling on the point?

MR. A. THANU PILLAI (*Trivandrum*): When the practice is such, I do not think I should find a ruling on the point raised by Mr. Kayalam Paramesvaran Pillai. In the absence of that, it should be taken that the principle is to the contrary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it common ground that no ruling can be quoted in support of the view taken up by Mr. Thanu Pillai then?

MR. A. THANU PILLAI (*Trivandrum*): If I am not just now in a position to point out a definite ruling to that effect, the House should not be precluded from discussing the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But is it common ground that there is no express ruling ? and then we can proceed further.

MR. A. THANU PILLAI (*Trivandrum*): I have been saying that the usual practice was that this House allowed to discuss on non-votable items.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether precedent has any force to the present issue before the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is why I am asking about rulings.

MR. A. THANU PILLAI (*Trivandrum*): The usual practice has been such and I do not think I should quote any ruling in support of my position.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it then that he is unable to quote any ruling?

MR. A. THANU PILLAI (*Trivandrum*): I suppose, I have been quite clear.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was there any necessity for such a ruling before?

MR. A. THANU PILLAI (*Trivandrum*): No. That is what I say. No such point has been raised before the House ever since the commencement of this Council.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): Does the member suggest that the ruling was to the effect that the whole establishment should be cut or a division was to operate only as a recommendation?

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MR. A. THANU PILLAI (*Trivandrum*): It is for the members to interpret it. If the member wants, I will read it again.

"It must be essentially left to the Government to decide, after being influenced by the discussion, whether to accept such motion which involves the abolition of a non-votable appointment or not."

The point raised yesterday was as regards the omission of the item regarding establishment of the Forest Settlement Officer. Whether it is for the entire amount or portion of the amount, that question does not arise.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): Does the member suggest that a recommendation of this House could operate as an expression of opinion in regard to non-votable appointments. Here I think the member seeks to apply the ruling to have the whole establishment cut.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the motion intended for complete omission of the allotment or only a portion of the allotment?

MR. A. THANU PILLAI (*Trivandrum*): It relates to the omission of the whole allotment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Taking it then that Mr. Thanu Pillai is not in a position to quote any ruling, may I ask how he can reconcile the alleged practice with the express provision in the Regulation that non-votable items shall not be open to discussion?

PRESIDENT: Will the member kindly refresh his memory by reading Section 16, sub-section (4), of the Regulation?

MR. A. THANU PILLAI (*Trivandrum*): The relevant portion in sub-section 4 of Section 16 of the Legislative Council Regulation reads thus:

"The proposals of Our Government for the appropriation of revenues or moneys relating to the following matters shall not be submitted to the vote of the Council nor shall they be open to discussion by the Council when the Budget is under consideration"

There again sub-clause 4 says:

"Salaries and allowances of officers,
(a) appointed by Us; or
(b) whose appointments as specified in the rules made under this Regulation require Our sanction"

PRESIDENT: I shall be glad if the member would discuss the force of that provision.

MR. A. THANU PILLAI (*Trivandrum*): To begin with what we are prohibited from discussing is this:

"Salaries and allowances of officers appointed by Us"

I would say the necessity or otherwise for the continuance or the creation of appointments is not prohibited as a subject of discussion and that has been the practice of the House also. If as the Law Member says this provision means that we cannot discuss anything regarding a salaried officer, then even a token motion would not be allowable, and I don't think it will be contended that this motion cannot be moved.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Without laying myself to a charge of interruption may I request the member to concentrate his attention for the present on the particular provision of the Regulation he read and say how he can reconcile the right that he wants with that provision?

MR. A. THANU PILLAI (*Trivandrum*): I suppose the provision is to be interpreted with reference to the practice of the House, that is, how the provision has been considered in other places. All that is relevant. My friend will not be right in calling upon me to interpret the Section merely with reference to the words of the Section. May I take it, am I wrong, Sir, in thinking, that by a token motion I can bring to the notice of the Government that the continuance of an appointment is not necessary? For instance day before yesterday, a motion was brought forward to the effect that the Dewan Peishkars' posts should be abolished.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Once more Sir, may I interrupt and explain my question? We are now discussing the question as if it were *res integra* and we start as Mr. Thanu Pillai rightly did with the legal provision bearing on the question. We need not refer to the practice just now. If we are to go by the practice or precedent alone of this House or any other House let the House understand that clearly and let us have no arguments based on the Regulation. For we have then only to ascertain the practice or precedent and not argue about the constitutional provisions; if on the other hand, he rests his contention on the provisions of the Regulation, then, it is only reasonable that the House should expect him to say "this is my interpretation of the words of the Section" and then to say "in support of that interpretation I quote a precedent of this House or of any other House."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Law Member is in order? He is making a speech.

MR. A. THANU PILLAI (*Trivandrum*): That is also what I am doubting.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I once more request Mr. Thanu Pillai to say if it is possible for him to maintain that the right that he contends for is within the true construction of Section 16 (4) of the Regulation, and if it is not possible to do that, may I request him to state that unambiguously and then to proceed to the rulings and precedents.

MR. A. THANU PILLAI (*Trivandrum*): I suppose I am entitled to proceed in my own way in interpreting that Section.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): May I know whether the provision applies to the salaries and allowances alone or to the officers also?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether it includes the travelling allowance of the officers?

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MR. A. THANU PILLAI (*Trivandrum*): It is not included.

Any how that question does not arise.

My point is that the Section only prohibits the consideration of the salaries and allowances of the officers and not a consideration of the question whether a particular office should be maintained or created. That interpretation has been accepted and has been acted upon by the House.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): Does the member suggest that it is the intention of the Regulation that the officers should be paid salaries without having facilities to do their work or working their establishment ?

MR. A. THANU PILLAI (*Trivandrum*): I do not think that question arises. No man would be foolish enough to suggest that officers should be paid without getting any work out of them at all. That, Sir, is the interpretation of the Section.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether Mr. Thanu Pillai would accept as a correct proposition of law that what a person or body cannot do directly cannot be allowed to be done indirectly ?

MR. A. THANU PILLAI (*Trivandrum*): That question too, to my mind, does not arise in considering this matter. My point is this. If an officer is to be maintained, then this House is not allowed to consider what pay should be paid to him, what allowance should be given to him; but then the broader question whether the appointments should be retained—that is within the province of this Council—that is how the section has been interpreted and accepted in this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether his position is that the question of any appointment should be considered irrespective of the salaries and allowances that are provided for it in the budget ?

MR. A. THANU PILLAI (*Trivandrum*): I do not understand my friend.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether it is his position that this House should or could discuss the necessity or otherwise of non-votable appointments irrespective of the salaries and allowances that are provided in the budget for these appointments ?

MR. A. THANU PILLAI (*Trivandrum*): I think it may sometimes be done.

PRESIDENT: What the Law member meant to convey was whether it is possible to view the appointment in complete detachment from and as having separate existence from, salaries in connection with the Budget debate.

MR. A. THANU PILLAI (*Trivandrum*): That question, I submit, is beside the point.

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PRESIDENT: I think it is very material to the issue.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I ask Mr Thanu Pillai, if his object is to bring to notice of Government the views of this House on non-votable appointments, whether that object could not be secured by bringing forward a token motion instead of seeking for the abolition of the entire establishment without which the holder of a non-votable appointment cannot function? Does he realise that the Government of the Sovereign must be carried on under all circumstances while at the same time providing facilities for the Council to express their views on the necessity for the creation, the continuance or otherwise of a non-votable appointment?

MR. A. THANU PILLAI (*Trivandrum*): Did not the Government go on when the House considered and voted upon the question as to whether the office of the Assistant Superintendents of Police should continue or not?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Was it not a token motion?

MR. A. THANU PILLAI (*Trivandrum*): No doubt that was a token motion. But the point here raised is that the question should not be considered at all.

PRESIDENT: May I ask the member for the moment to try and put himself into my position and take it for granted that I am searching out ways and means for enabling the Council to discuss a matter which the Statute expressly precludes him from doing, and if I am anxious to secure that, will he kindly consider under what enabling provision of law I am at liberty or possess discretion to do that?

MR. A. THANU PILLAI (*Trivandrum*): Beg your pardon Sir.

PRESIDENT: Will you kindly put yourself in my position for the nonce and assume that I am anxious to enable the House to discuss a matter which the Statute expressly precludes it from doing, and assuming that I have that anxiety, will the member please show me the enabling power in the Statute which permits me to exercise such a discretion?

MR. A. THANU PILLAI (*Trivandrum*): The point of difference is in regard to the section itself—*i. e.*, whether the section prohibits discussion. I say that the section does not prohibit. As regards the difference between a token motion and a regular cut motion, if a token motion is passed the result will be that if the Government acts upon it the office will be abolished. The same result I submit will follow if this motion also is passed. So, in effect, a real distinction cannot be drawn between the two cases.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the ruling referred to yesterday was on a token motion or a motion for reduction of a lump sum.

MR. A. THANU PILLAI (*Trivandrum*): That was not a token motion.

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Was the question raised in the form in which it is now raised?

MR. A. THANU PILLAI (*Trivandrum*): It was raised.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Not in the form in which it is now raised.

MR. A. THANU PILLAI (*Trivandrum*): It was raised, and as I stated already, I fail to see any substantial difference between a token motion and a motion like this.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Will Mr. Thanu Pillai kindly consider whether in the case of a token motion *locus penitentisia* is not given to Government to reconsider the question, whereas if it is an entire cut of the establishment Government have no other alternative except getting the Dewan to certify the expenditure if the administration is to be continued? Is there not a substantial difference between a token motion and a total cut motion?

MR. A. THANU PILLAI (*Trivandrum*): If the result of the vote is not acted upon it naturally follows?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it open to Government to disregard or ignore the vote?

MR. A. THANU PILLAI (*Trivandrum*): Evidently in the case I referred to, the President had that point in view.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member be prepared to take that as a ruling binding on the House, *viz.*, that even though the House may cut down an amount by a vote the Government need not follow up that vote?

MR. A. THANU PILLAI (*Trivandrum*): Certainly not. The discussion was only about policy.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It was a question of policy as well as the reduction of an amount.

MR. A. THANU PILLAI (*Trivandrum*): That is not what I am referring to. After the discussion the motion was voted upon.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But what did the President say when he was putting the motion to the vote?

MR. A. THANU PILLAI (*Trivandrum*): Anyhow at this stage what is to be decided is whether a discussion on the motion can go on and whether it can be voted upon. On that point there is clear authority and precedent in my favour. What Government does afterwards is a matter for the Government to consider and not for me to say.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Before Mr. Thanu Pillai resumes his seat may I ask whether it is not an accepted position in this House and whether there have not been repeated rulings, that when a motion is for a specific cut or for the deletion of an entire item a question of policy cannot be discussed?

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know the policy involved in the particular motion ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am only asking whether Mr. Thanu Pillai was aware of these rulings before he rose to speak.

MR. A. THANU PILLAI (*Trivandrum*) : With these observations I resume my seat.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, I also want to make one or two observations with regard to the point of order raised. The only confusion with regard to the whole question is due to the failure on the part of the Law Member to understand the distinction between pressing a motion to division and starting discussion upon a motion. Sir, whether a motion is a motion for a specific cut or token motion, practically the result of putting either the one or the other of the motions to division will be that if the token motion be put and carried it only means a vote of censure upon the Government with reference to the appointment or measure proposed by the Government. And in either case, what I say is that the discussion either on the token motion or on the specific cut motion may not be prohibited. The result of the specific cut if that is pressed is to be left partly to the sense of the non-official side of the House. They are also expected to have as much responsibility as the official side and when we want to place before Government a particular grievance and when there is a particular provision in the Regulation which prevents us from directly bringing that particular grievance before the pointed attention of Government, the only way to present it is to express it indirectly. Therefore, the point is whether, so far as this side of the House is concerned, it has the good sense not to press a specific cut motion to division. Anyhow, the sense of the discussion may be taken by Government to understand the real object of the mover of the motion. With regard to this particular point raised, the other day I read a ruling.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Before he proceeds to another point may I ask whether he is able to reconcile the provision of Section 16 (4) of the Legislative Council Regulation—which says that non-votable matters shall not be open to discussion—with what he contends for and if he is not able to do so would he say it unambiguously.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If the Law Member is determined not to understand the thing no body will be able to make him understand. Mr. Thanu Pillai explained it very clearly.

If there is no particular ruling with regard to this particular matter the well established custom, practice and precedents of this House have equal force and nothing prevents the President from permitting the discussion especially when it involves very important questions which t a certain extent curtail the prerogative of the House, and elementary right of the members to express themselves.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the President decide even against an express provision of the Regulation? Will the member kindly say that?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I am being drawn to irrelevant things. With regard to the present position of the President I will speak when an occasion comes for it. The other day when I read out a ruling, the Law Member took objection saying that because some additional clause was found in our Regulation which is not found in the Assembly Rules, the motion could not be pressed. In this particular instance, a particular clause appears in the Assembly Rules. This is what it says: "The following items of expenditure are not submitted to the vote of the Assembly—Salary and pensions of persons appointed by or with the approval of His Majesty or the Secretary of State in Council." In the face of the above clause when a non-votable item was discussed, it has been ruled that the only method by which the non-official side can show their discontent with regard to the particular appointment which is non-votable, is to discuss it in connection with a votable item. Therefore, by moving a token motion on a votable item and pressing that to division and carrying it, the House passes a censure upon the Government with regard to the non-votable appointment. Government may give effect to it if they prefer to do so. The only confusion here is with regard to the motion itself. What is the motion here? The motion is for abolishing an establishment. The motion is not for the abolition of a particular officer. The motion contemplates the reduction of so many rupees simply. That is the motion, and nothing more than that. Whether it involves a policy or not, we are not discussing that issue. Whether we are going to put it to division or not that is a different thing. When we hear the Government side, when a satisfactory reply comes from Government in regard to our grievances, we may not press that motion to division. That is left to us, but to prohibit discussion on the matter is a different thing. Therefore the Law Member, as the custodian of the legal conscience of Government ought to take a broader view; otherwise no discussion could be carried on in this House. And the provisions of the Regulation will be narrowed down.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will he kindly help the Law Member to interpret the provisions of the Regulation and indicate a way for bringing in the members' contention within that interpretation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is only a question of understanding the meaning of the word. The discussion is prohibited on a non-votable item. We don't discuss it. We are discussing only about the establishment. But our object is about the non-votable item. We don't discuss the question of policy also. Our discussion is only in regard to the amount of reduction. The ultimate result would be an appeal to Government, whether we have discussed it or not, saying "you had better consider whether the appointment is necessary or not."

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In this we are not violating the provision of the Regulation as it is. We are within our limits. No more question I suppose. (*Laughter*).

PRESIDENT: I am afraid the time allotted for this demand has expired. We began at 3-28 yesterday. The time expires by 12-15 to-day. I may therefore put the whole demand to the vote of the House. May I take it that the House grants the total demand for Forest viz., Rs. 8,21,418 minus Rs. 5 under motion No 99.

The grant was made.

PRESIDENT: Am I to understand that the House presses for a ruling upon the question of order recently discussed? I think Mr. Damodaran Asan raised it yesterday.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): You may consider it and give the ruling afterwards.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): You may consider it and give a ruling afterwards. There is no hurry about it.

PRESIDENT: I can give the ruling if you like. I have gone into the matter.

The point that has come up for a ruling is, whether on a motion to reduce a votable item of expenditure the discussion may range over an unvotable item, particularly the salaries and allowances of a non-votable appointment. I must first consider the bearing of the statute on this question. Section 16, sub-section 4, of the Legislative Council Regulation, which is binding on us all, lays down in unmistakable terms that non-votable matters shall not be open to discussion when the budget is under consideration. I have caused a search to be made for precedents or definite rulings, which may have an influence on this section. But, so far, I have not been able to discover any specific pronouncement on that point. If any member can point out a definite ruling on the point I shall be happy to consider and look into what he brings to notice. In the debate in this Council which was referred to by Mr. Damodaran Asan yesterday and by Mr. Thanu Pillai to-day, the then President expressed himself as follows:

> "When a motion comes before the House for the abolition of an establishment which involves the abolition of a non-votable appointment as a necessary consequence, that strictly is not votable by the House. If the object of a motion to reduce the provision for the establishment and contingencies which are provided for an officer who holds a non-votable appointment is to abolish that appointment, I think it should not be pressed to a division."

He then suggested that even if such a motion is pressed and carried to a division, neither the abolition nor the reduction will be binding on the Government. That was in 1923. In the following year the same question arose and the President expressed himself thus:

> "I do not hink that it can be allowed because it amounts practically to your resolving on a non-votable item".

You will find this ruling in the Council Proceedings Vol. V, page 277. As a matter of fact, however, the President put the motion to the vote with the observation that:

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[President.]

"Its exact effect will have to be examined even if it is passed by the House"

and he added thus :

"I am not sure whether it will be a motion that could be followed even if it is passed".

In a previous year, that is, in 1922, he appears to have set his face against such motions observing :—

"You want to reduce the staff employed under the Devicolam Commissioner on the ground that the pay drawn by that officer is too much".

And he seems to have indicated that, though you may discuss the general policy underlying a department, that right is obviously somewhat different from the one sought to be exercised by the motion in question. This is how matters stand on the one hand.

On the other hand there is the fact that, in actual practice, non-votable appointments have been to some extent discussed as part, as I understand it, of the discussion of the policy of the department. This has been done generally on token motions, *i. e.*, motions for reducing nominal sums though sometimes it appears to have been done by seeking to reduce substantial sums.

By way of explanation of token motions I may draw attention to what the Deputy President said a little while ago, *i. e.*, that the value of a token motion lies in this that, while it registers a protest against the machinery of the administration, the administration goes on because the sum dropped is a trifling amount which cannot affect the smooth running of the machinery. On the other hand, to move a cut covering the whole of a specific demand has necessarily the effect of crippling the appointment or the department for which it is provided. To that extent it interferes with the administrative machinery and cannot therefore be regarded as a token motion.

Now then the question is the legality of the practice in regard to the reduction motions under consideration. There are two classes of such reduction motions. One class is for reducing substantial sums or for reducing such an amount in the votable expenditure as would *necessarily* affect non-votable appointments, as in the case of Mr. Damodaran Asan's motion for reducing Rs. 1,200 from travelling allowance on the ground that a non-votable appointment carries a personal allowance of Rs. 100, that is, Rs. 1,200 per annum; or again Mr. Pachu Pillai's motion for cutting, I think, an entire establishment, which is votable on grounds relating to the non-votable appointment for which that establishment is provided. There is no doubt that such motions are not in order. To allow such would be to allow the House practically to resolve on non-votable appointments and would necessarily lead Government to interfere with their salaries and allowances, as a *necessary* consequence of the vote. This is not permissible. I do not think that it is allowed even under the Legislative Assembly precedent quoted by Mr. Nilakanta Pillai. In this House too, it has often been ruled that on motions for a specific cut or for omitting an entire item questions of policy cannot be discussed.

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Turning next to token motions, *i. e.*, motions for reducing nominal sums, questions of policy may be discussed in such motions. It has been the practice generally to refer to non-votable appointments too as part of the discussion of the policy. I shall follow this practice for the present. But a debate directed specifically and solely against a non-votable appointment, not as a part of the discussion of policy but as a direct attack, will not be allowed even on token motions. The border line between the two is very attenuated and wherever possible we must prevent trespassing over that line. I am willing to give a fairly extensive latitude, but it must be remembered that we cannot violate the provisions of the Law. And the Law provides no enabling power for me to exercise any discretion when there is a tendency to run in direct conflict with the provisions of the Law.

I would ask you to accept this ruling as tentative only. We may have to consider it again; and I am prepared to give due weight to anything that any of you may have to communicate to me on the subject. Meanwhile, until experience and further study throws more light upon this subject, I am afraid we shall have to accept this tentatively as the position.

As for the amount of the token motions, I shall put it, Re. 1, Rs. 10 or Rs. 100. Any larger figure will be taken to be for a specific cut. After all, it is not the amount that matters very much. It is the opportunity provided by the cut motion for discussing policy.

Mr. Nilakanta Pillai made a suggestion that it is open to the House to cut the entire establishment of a non-votable officer. That is quite correct. But in motions for that purpose the debate must be such as to show that the establishment is unnecessary assuming that the non-votable appointment is necessary. In other words, the debate should not in any way be directed to the non-votable appointment. Of course the House may throw out the allotment at the vote with the real motive of compelling Government to do away with the non-votable appointment though that is not brought into the debate. That is a power of the House, and Government are not entitled to and will not look into the motives of the House except such as legitimately appear in the debate; but the House must remember that it is a business body and it is presumed that the House intends to work on business lines and would not proceed on lines intended to effectuate indirectly what they cannot really do directly. Bearing that broad principle in mind, I think you will agree with me that I have gone very far and tried to establish as liberal a position as I dare go in the face of the Law. I hope in the light of further experience and lessons that we may learn we may be able to review the position again sometime.

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